

ASSEMBLY BILL

No. 1054

Introduced by Assembly Member Oller

February 25, 1999

An act to amend Section 47612 of the Education Code, relating to charter schools.

LEGISLATIVE COUNSEL'S DIGEST

AB 1054, as introduced, Oller. Special education funding: charter school transfers.

Existing law, the Charter Schools Act of 1992, permits teachers, parents, pupils, and community members to petition a school district governing board to approve a charter school to operate independently from the existing school district structure as a method of accomplishing, among other things, improved pupil learning. Existing law requires the Superintendent of Public Instruction to make certain apportionments to charter schools for average daily attendance, including, but not limited to, the amount that would have been apportioned to the school district for special education services, and, upon adoption of regulations by the State Board of Education, requires that charter school funding be equal to funding provided to a similar school district serving a similar pupil population.

This bill would, notwithstanding any other provision of law to the contrary, require that when a special education pupil transfers from a school district school to a charter school the school district shall continue to receive an amount, adjusted for inflation, equal to any funding that the school district

would otherwise be entitled to on the basis of that pupil's enrollment in the school district during the prior school year without reducing the funding provided to the charter school for the transferred pupil.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 47612 of the Education Code is
2 amended to read:

3 47612. (a) The Superintendent of Public Instruction
4 shall make all of the following apportionments to each
5 charter school for each fiscal year:

6 (1) From funds appropriated to Section A of the State
7 School Fund for apportionment for that fiscal year
8 pursuant to Article 2 (commencing with Section 42238)
9 of Chapter 7 of Part 24, an amount for each unit of regular
10 average daily attendance in the charter school that is
11 equal to the current fiscal year base revenue limit for the
12 school district to which the charter petition was
13 submitted. In no event shall average daily attendance in
14 a charter school be generated by a pupil who is not a
15 California resident. To remain eligible for generating
16 charter school apportionments, a pupil over 19 years of
17 age shall be continuously enrolled in public school and
18 make satisfactory progress towards award of a high school
19 diploma. The State Board of Education shall, on or before
20 January 1, 2000, adopt regulations defining "satisfactory
21 progress."

22 (2) For each pupil enrolled in the charter school who
23 is entitled to special education services, the state and
24 federal funds for special education services for that pupil
25 that would have been apportioned for that pupil to the
26 school district to which the charter petition was
27 submitted.

28 (3) Funds for the programs described in clause (i) of
29 subparagraph (B) of paragraph (1) of subdivision (a) of
30 Section 54761, and Sections 63000 and 64000, to the extent



1 that any pupil enrolled in the charter school is eligible to
2 participate.

3 *(4) Notwithstanding any other provision of law to the*
4 *contrary, in order to provide needed stability in the*
5 *funding of special education programs within school*
6 *districts, when a special education pupil transfers from a*
7 *school district school to a charter school, the school*
8 *district shall continue to receive any funding that the*
9 *school district would otherwise be entitled to on the basis*
10 *of that pupil's enrollment in the school district during the*
11 *prior school year, adjusted for inflation. This funding shall*
12 *be in addition to, and shall in no way reduce, the funding*
13 *provided to the charter school for the transferred pupil.*
14 *Notwithstanding subdivision (c), a charter school is not*
15 *a school district for purposes of this paragraph.*

16 (b) A charter school shall be deemed to be under the
17 exclusive control of the officers of the public schools for
18 purposes of Section 8 of Article IX of the California
19 Constitution, with regard to the appropriation of public
20 moneys to be apportioned to any charter school,
21 including, but not limited to, appropriations made for the
22 purposes of subdivisions (a) and (b).

23 (c) A charter school shall be deemed to be a “school
24 district” for purposes of Section 41302.5 and Sections 8
25 and 8.5 of Article XVI of the California Constitution.

